

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Blanca Correa,

Plaintiff,

-against-

NRP Food Solutions LLC and Nitin  
Pendharkar,

Defendants.

24-CV-5220 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

On September 17, 2024, plaintiff moved for conditional collective certification under 29 U.S.C. § 216(b) of the FLSA claims in this case for all non-exempt employees employed by defendants on or after July 10, 2018 (“Covered Employees”). Dkt. 14. In addition, plaintiff requested other relief detailed in a proposed order at Dkt. 14-1, including approval of a proposed consent form and proposed notice; distribution of the notice with the consent form; consent forms sent directly to plaintiff’s counsel; production of information related to Covered Employees, including Social Security numbers for employees whose mailings are returned as undeliverable; posting of the notice and consent form in defendants’ places of business; and equitable tolling of the FLSA statute of limitations. Dkt. 14-1. Defendants have affirmatively stated that they do not oppose any of this. Dkt. 28.

All that is required for conditional certification is a “modest factual showing” that plaintiffs “and potential opt-in plaintiffs ‘together were victims of a common policy or plan that violated the law.’” *Myers v. Hertz Corp.*, 624 F.3d 537, 555 (quoting *Hoffmann v. Sbarro, Inc.*, 982 F. Supp. 249, 261 (S.D.N.Y. 1997)). This is a “low standard of proof” that plaintiff has clearly met. *Id.* The motion for conditional collective certification is thus GRANTED. The proposed consent form and proposed notice are both approved, and they may be distributed to Covered Employees by mail, email, or text message. Consent forms for opt-in plaintiffs may be sent directly to plaintiff’s counsel. By **November 18, 2024**, defendants must produce an Excel file containing Covered Employees’ names, titles, compensation rates, dates of employment, last known mailing addresses, email addresses, and all known telephone numbers. If mail is returned as undeliverable, defendants must provide that employee’s Social Security number within 5 days of being notified that the mailpiece was bounced back. The proposed notice and proposed consent form must be posted in defendants’ places of business where Covered Employees are employed by **November 13, 2024**. Finally, the FLSA statute of limitations is tolled between September 17, 2024 and the end of the opt-in period.

The Clerk of Court is respectfully directed to terminate the motion at Dkt. 14.

SO ORDERED.

Dated: November 5, 2024  
New York, New York

A handwritten signature in black ink, appearing to read 'Arun Subramanian', is written over a horizontal line.

ARUN SUBRAMANIAN  
United States District Judge